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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,076	10/12/2000	REINER KRAFT	AM9-99-0219	6339

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DELIO & PETERSON
121 WHITNEY AVENUE
NEW HAVEN, CT 06510

EXAMINER	
WON, YOUNG N	

ART UNIT	PAPER NUMBER
2155	8

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/689,076	KRAFT ET AL.	
	Examiner	Art Unit	
	Young N Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 have been examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duvall et al. (US 5884033 A) in view of Russell-Falla et al. (US 6266664 B1).

INDEPENDENT:

As per claims 1 and 18-20, Duvall teaches a method of (see Fig.3 and 4), a system comprising means for (see title), a computer program product comprising code for (see col.2, lines 1-11), and a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for (see Fig.2; col.1, lines 59-60; and col.3, lines 44-49), monitoring communication on a computer network (see col.1, lines 30-35) between at least two client computers connected by the network (see Fig.1 and col.2, lines 34-38) comprising: providing a database of keywords (see col.1, lines 30-35 and col.8, lines

48-61), each of said keywords linked to a predefined rating (see abstract: "match'; and col.1, lines 35-40); monitoring communication on a computer network (see col.1, lines 30-35) between at least two client computers connected by the network (see Fig.1 and col.2, lines 34-38); detecting said keywords in the communication (see Fig.4, #132 & #134 and col.1, lines 45-51); and determining for the communication a rating level based upon the predefined rating of said keywords (see col.5, lines 8-19 & 23-29). Duvall does not explicitly teach that the communication is in real-time. Russell-Falla teaches of a communication is in real-time (see col.2, lines 53-56). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Russell-Falla within the system of Duvall by implementing communication in real-time within the computer network communication monitoring system, method, and program because Russell-Falla teaches that "web page" are a "real-time media stream" (see Russell-Falla: abstract) and that filtering can be implemented by "real-time identification of instances" (see Russell-Falla: col.2, lines 53-56) and Duvall teaches of accessing and filtering "web pages" within the invention (see Duvall: abstract and col.7, line 3). Therefore, since Duvall teaches of web pages, one of ordinary skill in the art would include real-time communication within the system of Duvall.

As per claim 17, Duvall teaches a method (see Fig.3 and 4) of monitoring communication on a computer network (see col.1, lines 30-35) between at least two client computers connected by the network (see Fig.1 and col.2, lines 34-38) comprising: providing a communication monitoring system on a computer network

including a database of keywords (see col.1, lines 30-35), each of said keywords linked to a predefined rating (see abstract: "match'; and col.1, lines 35-40); the system adapted to: i) monitor communication between at least two client computers connected by the network (see Fig.1; col.1, lines 30-35; and col.2, lines 34-38); ii) detect said keywords in the communication (see Fig.4, #132 & #134 and col.1, lines 45-51); and iii) determine for the real-time communication a rating level based upon the predefined rating of said keywords (see col.5, lines 8-19 & 23-29); connecting a subsequent client computer to the network with the at least two client computers (see Fig.1); viewing at the subsequent client computer the rating level of the real-time communication between the at least two client computers (see col.1, lines 59-64 and col.4, lines 60-64); and connecting the subsequent client computer to the communication based upon the rating level (see col.4, lines 15-20). Duvall does not explicitly teach that the communication is in real-time. Russell-Falla teaches of a communication is in real-time (see col.2, lines 53-56). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Russell-Falla within the system of Duvall by implementing communication in real-time within the computer network communication monitoring system, method, and program because Russell-Falla teaches that "web page" are a "real-time media stream" (see Russell-Falla: abstract) and that filtering can be implemented by "real-time identification of instances" (see Russell-Falla: col.2, lines 53-56) and Duvall teaches of accessing and filtering "web pages" within the invention (see Duvall: abstract and col.7, line 3). Therefore, since

Duvall teaches of web pages, one of ordinary skill in the art would include real-time communication within the system of Duvall.

DEPENDENT:

As per claim 2, Duvall further teaches wherein the rating level of the real-time communication is conveyed to at least one of the client computers (see col.4, lines 52-55).

As per claim 3, Duvall further teaches wherein at least one additional client computer receives the real-time communication (see Fig.1 and col.4, lines 22-27), and wherein the rating level of the real-time communication is conveyed to the at least one additional client computer (see col.4, lines 52-55).

As per claim 4, Duvall further teaches wherein the determining of the rating level for the real time communication occurs simultaneously with the real-time communication (see col.1, lines 45-51).

As per claim 5, Duvall further teaches wherein the determining of the rating level for the real time communication is based on evaluation of individual ratings of a plurality of different keywords (see col.6, lines 43-54).

As per claim 6, Duvall teaches of further including terminating the real-time communication of at least one of the client computers based upon the rating level (see col.4, lines 52-55).

As per claims 7-9, Duvall does not explicitly teaches of further including predetermining at a first of the at least two client computers a maximum rating level at

which the real-time communication may be maintained; originating one or more keywords at a second of the at least two client computers which triggers a rating level above the maximum rating level; identifying the one client computer originating the keyword above the maximum rating; and terminating real-time communication of the first client computer. Russell-Falla teaches of predetermining at a first of the at least two client computers a maximum rating level at which the real-time communication may be maintained (see col.3, lines 10-11); originating one or more keywords at a second of the at least two client computers which triggers a rating level above the maximum rating level (see col.3, lines 15-19 & 52-59); identifying the one client computer (Duvall: see col.2, lines 51-53) originating the keyword above the maximum rating (see col.2, lines 57-62); and terminating real-time communication of the first client computer (see col.4, lines 2-3). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Russell-Falla within the system of Duvall by implementing a maximum rating level wherein if exceeded, the originating device is identified and the communication is terminated within the computer network communication monitoring system, method, and program because rating of real-time data helps to quickly and more accurately identify what data sets are objectionable material without the need to store all precise keywords in a database, simply by weighting the frequency of negative words vs. positive words.

As per claim 10, Duvall does not explicitly teach of further including continuously updating the rating level determined for the real-time communication. Russell-Falla teaches of continuously updating the rating level determined for the real-time

communication (see claim 7-9 rejection above; col.5, lines 20-35; and col.6, lines 11-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Russell-Falla within the system of Duvall by implementing continuously updating the rating-level within the computer network communication monitoring system, method, and program because such an operation is inherent when a plurality of words are continuously being rated.

As per claim 11, Duvall and Russell-Falla do not explicitly teach of further including continuously updating the rating level determined for the real-time communication based upon the highest keyword rating within a selected time period. Russell-Falla teaches of continuously updating the rating level determined for the real-time communication based upon the highest keyword rating from the beginning to the end of a particular web page (see claim 10 rejection above and col.9, lines 30-35), but these differences are only found in non-functional descriptive material and are not functionally involved in the steps recited. The determining of the highest keyword rating would be performed the same regardless of the timeframe. The designer can allocate any interval for the filtering to occur. By preference, the designer can vary the timeframe thus negatively varying its accuracy.

As per claim 12, Duvall does not explicitly teaches of further including continuously updating the rating level determined for the real-time communication based upon a weighted average of keyword ratings within a selected time period. Russell-Falla teaches of further including continuously updating the rating level determined for the real-time communication based upon a weighted average of keyword

ratings within a selected time period (see claim 11 rejection above and col.5, lines 20-35).

As per claim 13, teaches of further including determining the range of the rating level determined for the real-time communication based upon highest and lowest keyword ratings within a selected time period. As per claim 14, Duvall teaches of further including connecting a subsequent client computer to the network without establishing real-time communication (see col.1, lines 41-45); viewing at the subsequent client computer the rating level of the real-time communication (see col.5, lines 8-19 & 23-29); and connecting the subsequent client computer to the real-time communication based upon the rating level (see col.1, lines 35-40).

As per claim 15, Duvall further teaches wherein separate real-time communication occurs between different groups of client computers (see Fig.1), and including determining a rating level for the real time communication for each group of client computers (see col.1, lines 41-45).

As per claim 16, Duvall further teaches wherein the keyword is selected from the group consisting of text (see Fig.4, #134). Duvall does not explicitly teach wherein the keyword is selected from the group consisting of audio, video and graphical communication (see col.1, lines 51-55 and col.2, lines 43-44). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Russell-Falla within the system of Duvall by implementing wherein the keyword is selected from the group consisting of audio, video and graphical communication within the computer network communication monitoring system,

method, and program because such groups also comprise of real-time data which is taught by Russell-Falla.

Response to Arguments

3. Applicant's arguments filed February 19, 2004 have been fully considered but they are not persuasive. See explanation below.

4. In response to applicant's arguments regarding claims 1 and 17, against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

It is clearly evident by the teachings of Russell-Falla that web pages are a real time media stream. Also, Russell-Falla does not need to teach the limitation of "monitoring communication on a computer network between at least two client computers connected by the network", because such limitation is clearly taught by Duvall. To assert, that since Duvall's teaching of "monitoring" does not explicitly state "real time" so therefore cannot be real time, is not a reasonable assumption. On the contrary, since the monitoring and filtering of Duvall consists of the Internet, it is clearly implicit that the communication comprises of Web pages, which is clearly and distinctly taught to be "real time" by Russell-Falla. The Internet filtering system of Duvall is

implicitly real time. Russell-Falla reference was primarily referenced to clearly convince one of ordinary skill in the art. Additional reference locations were provided in the motivation to clearly teach to one of ordinary skill in the art that such combination of references is clearly obvious. Therefore all the steps in the method of Duvall when employing the teachings of Russell-Falla occur in real time.

5. Similarly, claims 18-20 stand rejected under 35 U.S.C. 103(a).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Young N Won

April 6, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER